

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

United States of America,  
  
Plaintiff,  
  
v.  
  
Alexandra Marie Tauken Gehrke,  
  
Defendant.

No. CR-24-1040-01-PHX-ROS

**FINDINGS AND RECOMMENDATION  
OF THE MAGISTRATE JUDGE UPON A  
PLEA OF GUILTY AND ORDER**

TO THE HONORABLE ROSLYN O. SILVER, SENIOR U.S. DISTRICT JUDGE:

Upon the Defendant's request to enter a plea of guilty pursuant to Rule 11 of the Federal Rules of Criminal Procedure, this matter came on for hearing before U.S. Magistrate Judge Deborah M. Fine on October 24, 2024, with the written consent of the Defendant, counsel for the Defendant, and counsel for the United States of America.

The hearing on the Defendant's plea of guilty was in full compliance with Rule 11, Federal Rules of Criminal Procedure, before the Magistrate Judge in open court and on the record.

In consideration of that hearing and the statements made by the Defendant under oath on the record and in the presence of counsel, and the remarks of the Assistant United States Attorney and of counsel for the Defendant,

**I FIND** as follows:

1           (1)     that the Defendant understands the nature of the charge against the Defendant  
2 to which the plea is offered and the elements of the offense to which the Defendant is  
3 pleading guilty;

4           (2)     that the Defendant understands the right to trial by jury, to persist in a plea  
5 of not guilty, to the assistance of counsel at trial and at every other stage of the proceedings,  
6 to confront and cross-examine adverse witnesses, to present evidence, to compel the  
7 attendance of witnesses, and the right against compelled self-incrimination;

8           (3)     that the Defendant understands the maximum possible penalty for the offense  
9 to which the Defendant is pleading guilty, including imprisonment, fine and supervised  
10 release; that the Defendant understands the effect of the supervised release term and any  
11 forfeiture provision; and that the Defendant understands the Court's authority to order  
12 restitution and its obligation to impose a special assessment;

13          (4)     that the Defendant understands the Court's obligation to calculate the  
14 applicable sentencing guideline range and to consider that range, possible departures under  
15 the Sentencing Guidelines, and other sentencing factors under 18 U.S.C. § 3553(a); and  
16 that the Defendant understands that the sentencing guidelines are advisory, not mandatory,  
17 and that the Court may sentence outside those guidelines;

18          (5)     that the plea of guilty by the Defendant has been knowingly and voluntarily  
19 made and is not the result of force or threats or of promises apart from the plea agreement  
20 between the parties;

21          (6)     that the Defendant is competent to plead guilty;

22          (7)     that the Defendant understands that the Defendant's statements under oath  
23 may later be used against the Defendant in a prosecution for perjury or false statement;

24          (8)     that the Defendant understands that by pleading guilty the Defendant waives  
25 the right to a jury trial;

26          (9)     that the Defendant understands the terms of any plea agreement provision  
27 waiving the right to appeal or to collaterally attack the sentence, and has knowingly,  
28 intelligently and voluntarily waived those rights;

1 (10) that the Defendant is satisfied with counsel's representation; and

2 (11) that there is a factual basis for the Defendant's plea.

3 **I RECOMMEND** that the Court accept the Defendant's plea of guilty.

4 **IT IS ORDERED** that any objection to the guilty plea proceedings and any request  
5 for supplementation of those proceedings be made by the parties in writing and shall be  
6 specific as to the objection or request made. All objections or requests for supplementation  
7 shall be filed within fourteen (14) days of the date of service of a copy of these findings  
8 unless extended by an Order of the assigned district judge.

9 **IT IS FURTHER ORDERED** that any letters, documents, or other matters the  
10 Defendant would like the sentencing judge to consider before sentencing (including the  
11 English translation of any writings not in English) must be submitted in paper form with  
12 the original to the probation office and copies to the sentencing judge and opposing counsel  
13 no later than five (5) business days prior to the sentencing date or they may be deemed  
14 untimely by the sentencing judge and not considered. No more than ten (10) character  
15 letters shall be submitted by defense counsel, unless otherwise ordered by the Court.  
16 Character letters shall not be mailed directly to the sentencing judge by any family  
17 members or other persons writing in support of the Defendant. Character letters or a notice  
18 of service of such letters shall not be filed electronically unless otherwise ordered by the  
19 Court.

20 **IT IS FURTHER ORDERED** that any motions for upward or downward  
21 departures or any sentencing memoranda must be filed at least seven (7) business days  
22 prior to the sentencing date. Responses are due three (3) business days prior to the  
23 sentencing date. Any motion to continue sentencing must be filed promptly upon discovery  
24 of the cause for continuance and must state the cause with specificity. Motions to continue

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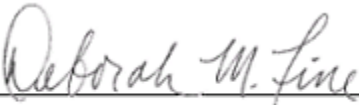
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1 sentencing filed less than fourteen (14) days before sentencing are disfavored. If either  
2 party intends to call a speaker at sentencing, other than the Defendant, counsel must notify  
3 the Courtroom Deputy at least three (3) business days in advance.

4 Dated this 24th day of October, 2024.

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7 Honorable Deborah M. Fine  
8 United States Magistrate Judge  
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